

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY SCOTT FOSSUM,

Plaintiff,

v.

BRIAN LAMM, et al.,

Defendants.

No. 1:24-cv-01489-SAB (PC)

ORDER VACATING DECEMBER 9, 2024
ORDER, DIRECTING COMPLAINT BE
FILED AS FIRST AMENDED COMPLAINT
IN CASE NUMBER 1:24-cv-01374-JLT-GSA
(PC), AND TERMINATING ACTION

(ECF Nos. 1, 3)

On December 6, 2024, Plaintiff filed this civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.)

On December 9, 2024, the Court directed Plaintiff to submit an application to proceed in forma pauperis or pay the filing fee of this action. (ECF No. 3.) However, a review of Plaintiff's complaint and the Court's case files reveals that the complaint should have been filed as an amended complaint in case number 1:24-cv-01374-JLT-GSA (PC), Fossum v. Lamm, et al., but was inadvertently filed as a new complaint in the instant action.

Accordingly, it is HEREBY ORDERED that:

1. The Court's December 9, 2024, order (ECF No. 3) is VACATED;
2. The complaint filed in this action shall be filed as a first amended complaint in

case number 1:24-cv-01374-JLT-GSA (PC), Fossum v. Lamm, et al.; and

3. The instant action is terminated as inappropriately opened as a new case.

IT IS SO ORDERED.

Dated: **December 10, 2024**



STANLEY A. BOONE
United States Magistrate Judge